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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,735	06/27/2003	Kaoru Sakakibara	116398	5318

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EXAMINER

NERBUN, PETER P

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,735

Applicant(s)

SAKAKIBARA, KAORU

Examiner

Peter P Nerbun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 5-7, 11-13 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 07282004.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

The following action is a supplemental action that is responsive to a preliminary amendment filed on August 13, 2003. This preliminary amendment was inadvertently not considered in the previous Office action (paper no. 06222004). The shortened statutory period for reply is reset to expire 3 months from the mailing date of this communication.

The numbering of claims is not in accordance with 37 CFR 1.126. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claim previously presented. In the instant application claim 14 has been omitted (claim 15 follows claim 13 as presented in the preliminary amendment filed August 13, 2003).

In accordance with 37 CFR 1.126, misnumbered claims 15-17 have been renumbered as claim 14-16, respectively.

Claims 7, 11, and 12 are objected to for containing an error in syntax. In claim 7, line 6, "which" should be changed to --whether--.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,8,10,14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Brienza (U.S.P. 4,166,423). The patent to Brienza discloses a sewing apparatus comprising a sewing mechanism 11, Fig. 1 in which a thread is used, a

cassette mount 32, Fig. 3 to which a thread cassette 34 holding the thread used in the sewing mechanism is detachably attached, a determining unit 81, 82, 83, etc. determining a type of the thread cassette attached to the cassette mount, and a control device 43 controlling the sewing mechanism according to the type of the thread cassette determined by the determining unit. Brienza further discloses an adjuster 41, 42, Fig. 1 adjusting thread tension of the thread supplied from the thread cassette attached to the cassette mount, wherein the control device controls the adjuster according to the type of the thread cassette determined by the determining unit. With regard to the cassette 34 note that a "cassette" is defined as a container that is used in a machine that holds something which is awkward to handle, and that can be easily loaded or unloaded. A thread spool acts as a container that is used in a sewing machine that holds a thread which is awkward to handle, the thread spool being easily loaded or unloaded on or from a mounting portion 32.

Claims 1,3,4,14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Meier (U.S.P. 4,301,753). The patent to Meier discloses a sewing apparatus comprising a sewing mechanism 50, Fig. 1 in which a thread (viz. the continuous strand of tape within cassette 12) is used, a cassette mount 13, 14, etc. to which the thread cassette 12 holding the thread used in the sewing mechanism is detachably attached, a determining unit 62 determining a type of the thread cassette attached to the cassette mount, and a control device 9, Figs. 1,4 controlling the sewing mechanism (by either guiding the machine operator on how to use the machine or by introducing pattern data

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into the machine memory for influencing the magnitude of needle bight and material feed) according to the type of the thread cassette determined by the determining unit.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brienza et al in view of Johnson et al (U.S.P. 4,479,446). To construct the sewing apparatus of Brienza et al with a control device that disallows the sewing machine to start when the cassette having been attached to the cassette mount is undetected as suggested by Johnson et al (see claim 21 of Johnson et al) would have been obvious since the controlled device would be prevented from being operated without the essential cassette element.

Claims 5-7, 11-13, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Claim 5 and its dependent claim are allowed because claim 5 specifically requires a thread cassette that includes a first thread cassette and a second cassette, wherein a determining unit determines which the thread cassette attached to the

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cassette mount is, and a control device that controls a sewing mechanism so that the sewing mechanism sews a cloth moved by a feed dog, when the determining unit determines that the thread cassette is the first cassette and so that the sewing mechanism sews the cloth moved by an embroidery frame, when the determining unit determines that the thread cassette is the second cassette.

Claim 7 and its dependent claim are allowed because claim 7 specifically requires a sewing mechanism and a thread cassette that includes a first thread cassette and a second cassette, wherein a determining unit has a plurality of determining members including at least a part used to determine which the thread cassette attached to the cassette mount is and at least a part used to determine at least one of a material of the thread and a length of the thread regarding the thread cassette for normal sewing and further used to determine a thread color regarding the thread cassette for embroidering.

Claim 11 and its dependent claim are allowed because claim 11 specifically requires a sewing mechanism and a thread cassette that includes a first thread cassette and a second cassette, wherein a determining unit determines which the thread cassette attached to the cassette mount is, and a control unit that controls an informing unit so that the informing unit informs of sewing in which cloth is moved by a feed dog and informs of sewing in which cloth is moved by an embroidery frame depending on which of the first or second thread cassettes is attached to a cassette mount.

Claim 13 and its dependent claim are allowed because claim 13 specifically requires a sewing apparatus including a detector detecting an embroidering unit

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detachably attached to a sewing apparatus, wherein a thread cassette includes a first cassette and a second cassette, and a control device controls an informing unit so that the informing unit carries out a predetermined informing operation regarding replacement of the thread cassette or attachment and detachment of the embroidering unit when the first cassette is attached to a cassette mount and the embroidering unit is not attached to the sewing apparatus.

Claim 16 is allowed because claim 16 specifically requires a sewing apparatus including a detector detecting an embroidering unit detachably attached to a sewing apparatus, wherein a thread cassette includes a first cassette and a second cassette, and a control device controls an informing unit so that the informing unit carries out a predetermined informing operation regarding replacement of the thread cassette or attachment and detachment of the embroidering unit when the first cassette is attached to a cassette mount and the embroidering unit is attached to the sewing apparatus.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

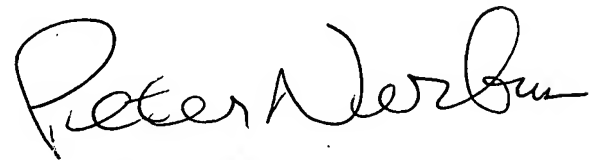
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun
July 27, 2004

A handwritten signature in black ink, appearing to read "Peter Nerbun", with a stylized, cursive script.

Peter Nerbun
Primary Examiner